

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Criminal No.: 4:19-CR-576</b>
	)	
<b>v.</b>	)	<b>JUDGE PATRICIA A. GAUGHAN</b>
	)	
<b>JAMES REARDON,</b>	)	
	)	
<b>Defendant.</b>	)	<b><u>DEFENDANT'S UNOPPOSED MOTION</u></b>
	)	<b><u>TO CONTINUE PRETRIAL AND TRIAL</u></b>

Now comes the Defendant, James Reardon, by and through undersigned Counsel, and hereby respectfully moves this Honorable Court to continue the pretrial and trial beyond the seventy (70) day limit. For cause, while the parties continue to engage in plea negotiations to attempt a resolution prior to trial, the defense and the government continue discussion about potential discovery that may or may not be available. Additionally, scheduling has been very difficult due to the issues with the COVID-19 pandemic. As a result, all parties have selected a final pre-trial date of September 17, 2020 at 9:00 a.m., and a trial date of September 28, 2020 at 9:00 a.m.

Mr. Reardon understands that pursuant to 18 U.S.C. Section 3161(h)(8) he is entitled to a trial within seventy (70) days after arraignment, or filing of the indictment, whichever occurs later in time. Mr. Reardon also understand that this Honorable Court must make the necessary findings in order for a continuance to be justified. Mr. Reardon further understands that the above-referenced Act excludes certain periods of time and specified circumstances, including, but not limited to, a delay resulting from a continuance granted by a Judge on his Motion or at the request of the Defendant or his counsel...if the Judge grants such a continuance on the basis on findings

that the ends of justice served by taking such an action outweigh the best interests of the public and the Defendant ends speedy trial. 18 U.S.C. Section 3161(h)(8).

Mr. Reardon further understands that this Honorable Court may consider several factors in determining whether to grant a continuance, including, but not limited to, whether the granting of such a continuance in a proceeding would result in a miscarriage of justice. Mr. Reardon recognizes that the above cited law also provides that when “the case is so unusual or so complex, due to the number Defendants, the nature of the prosecution, or the existence of novel questions of fact or law, that it is unreasonable to expect adequate preparation for a pre-trial proceeding or for the trial itself within the time limits established by this Section.”

Mr. Reardon also understands that additional time is required to continue the ongoing plea negotiations with the Government, and/or to prepare the matter for trial. Upon discussion with the Assistant United States Attorney, David Toepfer, the government has no objection or opposition to the within request for continuance.

**WHEREFORE**, the Defendant, James Reardon, by and through undersigned Counsel, respectfully moves this Honorable Court to continue the pretrial and trial in the above-captioned matter.

Respectfully submitted,



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**ROSS T. SMITH, #0079786**

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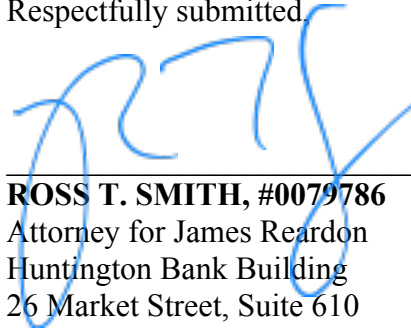
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 23, 2020, a copy of foregoing Unopposed Motion to Continue Pretrial and Trial was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's system.

Respectfully submitted,



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